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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,711	10/06/2000	Dimitri Kanevsky	YOR9-2000-0241-US1	2109

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
2683	13

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,711

Applicant(s)

KANEVSKY ET AL.

Examiner

DANH C LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-28 is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4-7, 9-12, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wohl (US 5,247,700) in view of Kennedy (US 6,018,657).

As to claim 1, Wohl teaches a method of providing a data message in a communication system (figure 1 and col.6, lines 26-41) comprising:

(a) identifying a location of a passive device (pager) by finding location that has control over communications of an active device (cellular) that is associated with said passive device (pager), wherein said passive device is capable of receiving messages transmitted by the system and incapable of transmitting messages to system; and

(b) transmitting said data message to said system for transmission to said passive device.

Wohl fails to teach the system including a plurality of local service providers. Kennedy teaches the system including a plurality of local service providers (col.3, lines 43-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kennedy into the system of Wohl in order to enhance system performance of the cellular telephone with pager which forwards different type of messages to either cellular phone or pager.

As to claim 2, Wohl teaches the method of claim 1, further comprising (c) identifying said active device (cellular) with which said passive device (pager) is associated, and wherein said identity of said active device is used by step (a).

As to claim 4, Wohl teaches the method of claim 2, further comprising (d) identifying said passive device (pager) that is to receive said data message, and wherein said identity of said passive device is used by step (c).

As to claim 5, Wohl teaches the method of claim 1, wherein said passive device is selected from the group consisting of. a watch, a pen, a telephone, a frame, a wallet, and a beeper (pager).

As to claim 6, Wohl teaches the method of claim 1, wherein said active device is a cellular telephone (cellular), and wherein said local service provider is a local cellular service provider in a cellular communication system.

As to claim 7, the claim is a system claim of the claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 9, the claim is a system claim of the claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 10, the claim is a system claim of the claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 11, the claim is a system claim of the claim 5; therefore, the claim is interpreted and rejected as set forth as claim 5.

As to claim 12, the claim is a system claim of the claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

As to claim 16, the claim is a program claim of the claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 17, the claim is a system claim of the claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

As to claim 18, the claim is a system claim of the claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

As to claim 19, the claim is a system claim of the claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

As to claim 20, the claim is a system claim of the claim 4; therefore, the claim is interpreted and rejected as set forth as claim 4.

2. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardirossian (US 5,796,338) in view of Kennedy (US 6,018,657).

As to claim 13, Mardirossian teaches passive device (figure 2, pager) comprising a personal article that has a display (35), a receiver (37) capable of receiving data via a wireless transmission from communication system, a transmitter (43) that has a transmission range that includes a nearby active device (cell phone) but not a said communication system and that is capable of transmitting an identity message to said active device, and a controller (41) for processing said data for display on said display (35) and said transmission of said identity message by said transmitter.

Mardirossian fails to teach a passive device receiving data via wireless transmission from a local service provider of a communication system. Kennedy teaches a pager device receiving data via wireless transmission from a local service

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provider of a communication system (col.3, lines 43-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Mardirossian into the system of Wohl in order to enhance system performance of the cellular telephone with pager which forwards different type of messages to either cellular phone or pager.

As to claim 14, Wohl teaches the passive device of claim 13, wherein said transmission range is about zero foot to about 100 feet (col.5, lines 29-42).

As to claim 15, Wohl teaches the passive device of claim 13, wherein said personal article is selected from the group consisting of: a watch, a pen, a telephone, a frame, a wallet, and a beeper.

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardirossian (US 5,796,338) and Kennedy (US 6,018,657) in view of Kita (US 6,263,218).

As to claim 3, Wohl teaches the method of claim 2, Wohl fails to teach step accesses a database that contains said identity of said active device and a list of passive devices of said subscriber that are associated with said active device. Zz teaches step accesses a database that contains said identity of said active device and a list of passive devices of said subscriber that are associated with said active device (col.23, lines 1-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of zz into the system of Wohl in order to enhance system performance of the cellular telephone with pager that alter the page with different device such as pen, watch, wallet.

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As to claim 8, the claim is a system claim of the claim 2; therefore, the claim is interpreted and rejected as set forth as claim 2.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims 21-28 are allowed.

As claims 21, 26, the teaching of above prior arts either alone or in combine fails to teach a low power transmitter that has a transmission range, which includes a nearby active device, but not said local service provider, and that transmits to said active device at least one signal that identifies said passive device and its location of close proximity to said active device for relay to a global registry.

Dependent claims 22-25, 27, 28 are allowable for the same reason.

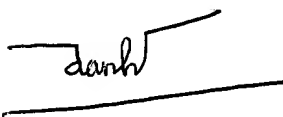
Claims 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


As to claim 29, the teaching of above prior arts either alone or in combine fails to teach an additional data message, wherein the, local service provider identified by the repeated step (a) is a local service provider that currently has control over the communications of said active device, whereby the passive device is movable from said location to a new location and still able to receive said additional data message.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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